



ACADEMIC PREPARATION HANDBOOK FOR **ELSA DELEGATIONS TO UNCITRAL**

SEMINARS & CONFERENCES
2024/2025



ELSA
Delegations

elsa

The European Law Students' Association

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1. Introduction

This handbook aims to provide ELSA Delegates with all the necessary information to prepare themselves academically for a respective UNCITRAL session. It is designed to be read alongside the Guidelines for the relevant institution. Any relevant feedback or questions are encouraged to improve this handbook for future ELSA Delegates.

1.1. About the European Law Students' Association

The European Law Students' Association (ELSA) is an international, independent, non-political, non-profit organisation run by and for students. It comprises students and recent graduates interested in academic and personal excellence in addition to their studies at their universities. ELSA offers law students a perfect platform to develop their existing skills, acquire new skills and meet fellow students and legal professionals throughout Europe.

Five law students from Austria, Hungary, Poland and West Germany founded ELSA in 1981. Today, ELSA is the world's largest independent law student association, and it is represented at nearly 432 law faculties in 41 countries across Europe with a membership of over 60,000 students and young lawyers.

ELSA's activities comprise a large variety of academic and professional events and projects organised to fulfil the vision of ELSA and to provide our members with opportunities to enhance their skills and interact with each other. Furthermore, ELSA provides law students with opportunities to develop their skills through our traineeship program and publications. Finally, working in the ELSA Network prepares active members of ELSA for their professional life through international experience gained through the association.

Vision

“A just world in which there is respect for human dignity and cultural diversity”

Purpose

The purpose is to contribute to legal education, to foster mutual understanding and to promote social responsibility of law students and young lawyers by:

- providing opportunities for law students and young lawyers to learn about other cultures and legal systems in a spirit of critical dialogue and scientific cooperation;
- assisting law students and young lawyers in being internationally minded and professionally skilled;
- encouraging law students and young lawyers to act for the good of society.

To read more about ELSA, please visit our [website](#).

1.2. ELSA and International Organisations

ELSA has gained a notable reputation in the international community. For many years, thanks to having a special status within a number of different international organisations and institutions, its members and alumni are able to participate in events organised by those institutions.

ELSA has special status and cooperation with:

- UN Educational, Scientific and Cultural Organization (UNESCO) (since 1994);
- UN Economic and Social Council (UN ECOSOC) (since 1997);
- UN Commission on International Trade Law (UNCITRAL) (since 1997);
- UN Office on Drugs and Crime (UNODC);
- Council of Europe (CoE) (since 2000);
- Office of the United Nations High Commissioner for Human Rights (OHCHR);
- World Intellectual Property Organization (WIPO) (since 2005);
- Organisation for Economic Co-operation and Development (OECD) (since 2016);
- Coalition for the International Criminal Court (CICC);
- United Nations Framework Convention on Climate Change (UNFCCC) (since 2022).

ELSA is exploring the possibility of gaining status with the United Nations Conference on Trade and Development (UNCTAD).

1.3. ELSA Delegations

ELSA Delegations are regulated in the [International Council Meeting Decision Book](#) under decisions relating to Seminars and Conferences (S&C). The relationship between ELSA and ELSA

Delegates is regulated by the [ELSA Delegations Terms and Conditions](#).

To participate in ELSA Delegations, ELSA Members and ELSA Alumni need to fulfil the following requirements:

- The Application Form shall be submitted before the deadline;
- The Application Form shall be written in English;
- All the fields of the Application Form shall be filled.

Please refer to the relevant Guideline for more information on the process of being an ELSA Delegate. You can also find practical information pertaining to your stay in Vienna or New York, and instructions for delegates who will join a delegation remotely. If you have any questions, please contact your coordinator: duncitral@elsa.org, or the Director for ELSA Delegations: delegations@elsa.org.

2. About the Institution

The [Selection Criteria](#) do not require a particular level of education for applicants to attend a delegation. In fact, an applicant's grades are not considered during the selection process. However, we believe that, in order for delegates to represent ELSA to the best of their ability, it is important for them to have a good understanding of the session they will attend and the significance of the institution.

2.1. Introduction to UNCITRAL

The United Nations Commission on International Trade Law (UNCITRAL) is a subsidiary body of the General Assembly of the United Nations. The Secretariat of UNCITRAL is the International Trade Law Division of the Office of Legal Affairs of the United Nations Secretariat. Therefore, UNCITRAL is not part of the World Trade Organisation, an intergovernmental organisation, independent from the UN.

UNCITRAL deals with the laws applicable to private parties in international transactions. As a consequence, UNCITRAL is not involved with the "state-to-state" issue. UNCITRAL meets once a year, typically in the summer, alternatively in New York and in Vienna.

2.2. What role does UNCITRAL play in the United Nations?¹

UNCITRAL has a general mandate to develop and progress the “harmonisation and unification” of international trade law.² This allows for the facilitation of international commerce, which can be impacted by unpredictable laws or outdated laws that no longer fit common commercial practices. UNCITRAL prepares new legal instruments for the law of international trade, as well as developing areas of business law that influence international trade.

2.3. Why send ELSA Delegates to UNCITRAL?

The reports of previous UNCITRAL delegates indicate that they have had an extraordinary experience. Both academically (in regard to the crucial international trade law discussions on the sessions) and personally (because of the unique opportunity to network with several distinguished representatives in the commercial law field and with their fellow delegates). The delegation to UNCITRAL has reported an incredible outcome for the delegates and for ELSA status within the United Nations.

2.4. History of UNCITRAL

UNCITRAL was established in 1966 by UN General Assembly resolution 2205 (XXI). The resolution’s text can be found here: [here](#).

UNCITRAL is a subsidiary body, meaning that it has been created specifically to help the United Nations perform its functions in relation to international trade law. More information about subsidiary organs can be found on the United Nations website [here](#).

2.5. Permanent Members³

UNCITRAL is a subsidiary body of the United Nations, so its membership is smaller than other United Nations organs to allow for better discussion. Its current membership is 70 States.

UNCITRAL originally had 29 Member States. Its membership was expanded three times: to 36 Member States in 1973, to 60 Member States in 2004, and to 70 Member States in 2022.

¹ https://uncitral.un.org/en/about/faq/mandate_composition/history

² https://uncitral.un.org/en/about/faq/mandate_composition/history

³ https://uncitral.un.org/en/about/faq/mandate_composition/history.

2.6. Headquarters

The official headquarters of UNCITRAL is located in Vienna, Austria. However, sessions can alternate between New York and Vienna.

UNCITRAL

Vienna International Centre,
A-1400 Vienna,
Austria.

2.7. Useful Links

Website: <https://uncitral.un.org/en>

Guide: [UNCITRAL GUIDE](#)

3. Inside UNCITRAL

3.1. Types of Committees⁴

UNCITRAL's substantive work is separated into six main Working Groups. Each Working Group covers a different area of international trade law, typically meeting on a biannual basis in New York (Spring session) or Vienna (Fall session). The topic of each Working Group changes every few years, rotating between different aspects of international trade law such as dispute resolution, arbitration, commerce, and business.

Each Working Group works on a range of matters, including the adoption of draft texts on their respective topics; consideration of reports on the progress of current and respective topics; deciding the work of future sessions; monitoring developments; administrative matters; reviewing UN General Assembly resolutions that are relevant to UNCITRAL; and reviewing UNCITRAL's work with other international organisations.⁵

⁴ <https://uncitral.un.org/en/about/methods>.

⁵ [UNCITRAL Gateway](#).

3.2. Other Sessions

The Coordinator for UNCITRAL is also responsible for organising delegations to other UN entities whose work overlaps with that of UNCITRAL. Below is a list of these entities and the sessions that ELSA Delegates have attended over the past two years.

UN Trade and Development (UNCTAD)⁶

UNCTAD is a UN department that helps States to respond to globalisation on international, regional and national levels. It does this by assisting States with development challenges, helping with integration into international trade systems, diversifying economies, protecting consumers from abuses of international trade law, improving the movement of goods across borders, and many other activities. More information can be found on UNCTAD's website [here](#).

UNCTAD sessions that ELSA Delegates have attended in the past few years include:

- World Investment Forum;
- Commission on Science and Technology for Development;
- Investment, Enterprise and Development Commission;
- Trade and Development Commission;
- Ocean Forum.

International Criminal Court (ICC)⁷

Note: ICC is not affiliated with UNCITRAL. It is included in this handbook because the Coordinator for UNCITRAL also deals with Delegates to the ICC.

ICC investigates and tries individuals who have been accused of crimes against the international community. These crimes include genocide, crimes against humanity, crimes of aggression, and war crimes. The aim is to hold individuals responsible for their actions and help to prevent the repetition of such crimes in the future. It is described as a “court of last resort”,⁸ meaning it steps in when national courts cannot hold an individual to account. It was created by the Rome Statute and is the first permanent international criminal court.

⁶ All information taken from UNCTAD's website: <https://unctad.org/>.

⁷ All information taken from ICC's website: <https://www.icc-cpi.int/>.

⁸ <https://www.icc-cpi.int/about/the-court>.

ELSA International sends Delegates to only one ICC session: the **Assembly of State Parties (ASP)**. More information can be found in the [ELSA Delegations Guidelines on ICC](#).

3.3. Sessions that ELSA Delegates regularly attend

Below is a list of sessions that are regularly held by UNCITRAL. ELSA International has sent Delegates to most of these Working Groups over the past few years, particularly Working Groups I, II, and IV.

Unfortunately, ELSA International has been unable to attend Working Group III since 2023 due to limited seating capacity in the Conference Room.

- **Working Group I: Micro, Small and Medium-sized Enterprises/Warehouse Receipts.** This Working Group is focused on Warehouse Receipts as of January 2025. Its aim is to draft a new international trade instrument for warehouse receipts. More information can be found on [UNCITRAL's website](#);⁹
- **Working Group II: Arbitration and Conciliation/ Dispute Settlement.** As of January 2025, this Working Group is focused on Dispute Settlement. It is considering the “recognition and enforcement of electronic awards”, as well as considering the relationship between instruments of international arbitration and UNCITRAL’s electronic commerce instruments, suggestions for clarifying the scope of electronic arbitral awards, the possible interpretation and supplementation of UNCITRAL’s “Model Law on Arbitration”, and guidance on these instruments for relevant stakeholders.¹⁰ More information on the sessions can be found on [UNCITRAL's website](#);
- **Working Group III: Investor-State Dispute Settlement Reform.** As of January 2025, this Working Group is focused on the reform of investor-State dispute settlement and the drafting of a new international instrument to accommodate this reform. More information can be found in [Document A/CN.9/WG.III/WP.246](#).¹¹ **Note:** ELSA does not currently send Delegates to UNCITRAL due to a lack of room capacity;
- **Working Group IV: Electronic Commerce.** As of November 2024, this Working Group is focused on Electronic Commerce. Its current work pertains to default rules around data provision contracts and reviewing “a draft guide for the enactment of UNCITRAL Model

⁹ All information for Working Group I has been taken from UNCITRAL’s website.

¹⁰ All information for Working Group II has been taken from Document A/CN.9/WG.II.239, available at <https://documents.un.org/doc/undoc/gen/v24/076/36/pdf/v2407636.pdf>.

¹¹ All information for Working Group III has been taken from Document A/CN.9/WG.III/WP.246.

Law on Automated Contracting”, aiming to finalise and publish this document in the near future;¹²

- **Working Group V: Insolvency Law.** As of December 2024, this Working Group is focused on Insolvency Law. It has been working on topics such as asset tracing and recovery in insolvency proceedings, applicable laws in insolvency proceedings, and a new proposal from the delegation of Australia that aims to update the Guide to Enactment and Interpretation of UNCITRAL Model Law on Cross-Border Insolvency;¹³
- **Working Group VI: Negotiable Cargo Documents.** As of 2025, Working Group IV is focused on developing a new instrument of trade law on negotiable cargo documents. Consignment notes, which are the typical transport documents issued by road, rail and air carriers, are non-negotiable and cannot be used as documents of title. This instrument will set out an international legal framework that carriers can refer to for the use and recognition of negotiable electronic cargo records. More information can be found in this fact sheet: [UNCITRAL Fact Sheet on Negotiable Cargo Documents](https://uncitral.un.org/en/working_groups/6/negotiablecargodocuments).¹⁴

4. Topics

4.1. What is international trade law?

International trade law involves the regulation of operators and operations in international trade, covering the application of both domestic law and international (treaty-based) law. Operations in trade law include the sale and purchase of goods and services across borders.

4.2. What are the branches of international trade law?

The main branches are:

- International sale of goods;
- International commercial arbitration and conciliation;
- International transport of goods; and
- Commercial law.

¹² All information on Working Group IV has been taken from Document A/CN.9/1197, available at: <https://documents.un.org/doc/undoc/gen/v24/084/12/pdf/v2408412.pdf>.

¹³ All information for Working Group V has been taken from UNCITRAL's website: <https://uncitral.un.org/en/content/working-group-v-insolvency-law>.

¹⁴ All information for Working Group VI has been taken from the UNCITRAL website: https://uncitral.un.org/en/working_groups/6/negotiablecargodocuments.

International sale of goods: More information can be found [here](#).

International commercial arbitration and conciliation: This is regulated under the **New York Convention of 1958**. Arbitration is when parties consent to refer disputes to a chosen, neutral arbitrator who makes a binding decision on the dispute. Conciliation is when parties agree to refer their dispute to a neutral conciliator who suggests a non-binding proposal to resolve the dispute. International arbitration is when the arbitration takes place between parties with businesses in different States, or when the agreed place of arbitration is outside the States where the businesses are situated.¹⁵

International transport of goods: This particularly focuses on shipping and other forms of transporting goods by sea. More information can be found [here](#).

Commercial law: The law around business transactions, trade, sales, and services. This, within itself, covers a broad range of legal fields, e.g., contract law, competition law, property rights, etc.

4.3. Who uses international trade law?

- Governments and regulatory agencies;
- International Organisations;
- Multinational Corporations;
- Legal professionals;
- Financial Markets.

4.4. Why is international trade law important?

International trade law promotes fair and open trade, provides legal certainty through its harmonisation and unification process, facilitates dispute resolutions, and enhances economic growth and development without disregarding intellectual property and ethical issues.

4.5. What policy areas overlap with international trade law?

- **Economics:** liberalisation or protectionist policies can influence investment and finance;
- **Environment:** with sustainable trade practices (such as carbon tariffs) and climate change agreements, which can be illustrated with the EU's Carbon Border Adjustment Mechanism;

¹⁵ [Model Law Text](#), see Article 1 - 'Scope of application'.

- **Labour and employment:** international trade agreements have workplace standards to prevent exploitation;
- **Intellectual Property:** provides protection of innovation across borders with patents and trademark protection;
- **Digital:** object of constant regulations concerning data flows and cybersecurity;
- **Competition:** international trade law promotes fair market practices.

4.6. Recent innovations

- Statute of the Advisory Centre on International Investment Dispute Resolution (2024): [view text here](#),¹⁶
- UNCITRAL Model Law on the Use and Cross-border Recognition of Identity Management and Trust Services (2022): [view text here](#);
- UNCITRAL Legislative Guide on Limited Liability Enterprises (2021): [view text here](#);
- Legal Guide to Uniform Instruments in the Area of International Commercial Contracts, with a Focus on Sales (2020): [view text here](#).

5. Relevant Documents

5.1. Meeting Agendas and Past Documents

The link to the meeting documents for each Working Group can be found below:

- [Working Group I](#);
- [Working Group II](#);
- [Working Group III](#);
- [Working Group IV](#);
- [Working Group V](#);
- [Working Group VI](#).

5.2. Explanatory Videos

Fact Sheet on UNCITRAL: [UNCITRAL Fact Sheet pdf](#)

Online Resources and Webcasts: https://uncitral.un.org/en/library/online_resources

¹⁶ Information taken from <https://uncitral.un.org/en/texts/isds>.

6. Treaties and Legislation

6.1. Key Treaties and Conventions

- **The Vienna Convention on the International Sale of Goods (1980):** regards the contracts for the international sales of goods;
- **The Rome 1 Regulation (2008):** determines the applicable law to contractual obligations in the European Union;
- **The Lex Mercatoria:** a collection of customs and practices in international trade.

7. Rules of Procedure

Information on UNCITRAL's rules of procedure can be found [here](#).

8. HoD Reports

If available, the Coordinator for UNCITRAL will send via email the past HoD Reports from the session the Delegation will attend.

9. Archives

- UNCITRAL's Library and Research Resources: <https://uncitral.un.org/en/library>;
- UNCITRAL Case Law Archive: https://uncitral.un.org/en/case_law;
- UNCITRAL Publications: <https://uncitral.un.org/en/library/publications>;
- UNCITRAL online courses: <https://uncitral.un.org/en/onlinecourses>.